

1 PHILLIP A. TALBERT
2 United States Attorney
3 BRIAN W. ENOS
4 Assistant United States Attorney
5 2500 Tulare Street, Suite 4401
6 Fresno, CA 93721
7 Telephone: (559) 497-4000
8 Facsimile: (559) 497-4099
9
10 Attorneys for Plaintiff
11 United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff.

V.

GREGORY NEIL DAVIS,

Defendant

Case No. 1:20-cr-00012-DAD

**STIPULATION TO CONTINUE JUNE 17, 2022
STATUS CONFERENCE TO AUGUST 12, 2022;
ORDER THEREON**

STIPULATION

Plaintiff United States of America, by and through its counsel of record, United States Attorney, Philip A. Talbert and Assistant United States Attorney, Brian W. Enos, and defendant Gregory Neil Davis (“defendant”), by and through defendant’s counsel of record, Roberto R. Dulce, Esq., hereby stipulate as follows:

1. By previous order, this matter was set for status conference at 2pm on Friday, June 17, 2022 (2pm) in Courtroom 10.

2. By this stipulation, the parties stipulate to continue the status conference until 2pm on Friday, August 12, 2022, likewise in Courtroom 10.

3. The parties base this stipulation on good cause, and request that the Court endorse it by way of formal order. Specifically:

a) The United States Probation Office's supervision of defendant was transferred

1 from the District of North Dakota to the Eastern District of California in January 2020. Dkt. 1
2 and 2. A Rule 12C petition was filed in this District on February 4, 2022. Dkt. 4. Defendant's
3 initial appearance took place on May 20, 2022 (Dkt. 8) and detention hearing took place on May
4 26, 2022. Dkt. 9.

5 b) At the conclusion of the detention hearing, the court set a status conference for
6 June 10, 2022. Dkt. 9. In light of the fact that new defense counsel was assigned to the case on
7 June 3, 2022, the parties stipulated to continue the status conference to June 17, 2022, which the
8 court endorsed by way of formal order. Dkts. 14 and 15.

9 c) On June 9, 2022, the court issued a minute order wherein it ordered the parties to
10 meet and confer about the case and file, by Wednesday, June 15, 2022, either a (1) stipulation to
11 continue the June 17 status conference, or (2) joint report addressing what could be
12 accomplished at the same. Dkt. 16.

13 d) The parties have since met and conferred about the case. Pursuant to the same,
14 they ask that this matter be continued to Friday, August 12, 2022. While defense counsel was
15 able to obtain some of the case's discovery from U.S. Probation, a compact disk containing body
16 camera footage was blank and needs to be re-delivered. U.S. Probation Officer Alejandro is out
17 of the office until June 16, so the parties expect that this discovery cannot be delivered until next
18 week.

19 e) Defense counsel was also able to communicate with defendant at the Lerdo
20 detention facility. Pursuant to this discussion, defense counsel also needs to further
21 communicate with Officer Alejandro after his return to discuss potential case resolution issues.
22 Until those communications take place, the defense is unable to determine if a resolution can be
23 obtained in this case prior to a contested hearing.

24 f) After discussing respective calendars (defense counsel is set for trial regarding a
25 state matter from July 5 – August 1, 2022), the parties determined that they are both able to
26 appear at a continued status conference by August 12, 2022. By that time, all parties will have
27 been able to analyze all discovery and discuss the extent a potential pre-hearing resolution can be
28 reached. As with the June 17, 2022 duty calendar, the August 12, 2022 duty calendar is likewise

1 set to take place in Courtroom 10.

2 IT IS SO STIPULATED.

3 Dated: June 14, 2022

4 PHILLIP A. TALBERT
United States Attorney

5 /s/ Brian W. Enos

6 Brian W. Enos
7 Assistant United States Attorney

8 (As authorized 6/14/22)

9 Dated: June 14, 2022

10 /s/ Roberto R. Dulce

11 Roberto R. Dulce
12 Counsel for Defendant
13 Gregory Neil Davis

14 **ORDER**

15 Pursuant to the parties' stipulation, the Court will continue the status conference until 2pm on
16 Friday, August 12, 2022, in Courtroom 10.

17 IT IS SO ORDERED.

18 Dated: June 14, 2022

19 /s/ *Eric P. Groj*

20 UNITED STATES MAGISTRATE JUDGE